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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/780,832

02/18/2004

Benoit Brule

FR-AM1929 NP

3754

31684

7590

11/07/2008

ARKEMA INC.

PATENT DEPARTMENT - 26TH FLOOR

2000 MARKET STREET

PHILADELPHIA, PA 19103-3222

EXAMINER

WOODWARD, ANA LUCRECIA

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

11/07/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. Claims 11-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification, as originally filed, fails to provide express support for the "sole" barrier layer newly claimed. Accordingly, since no express support can be found for said term, such is deemed new matter.

2. Claims 11-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The newly added language to "a sole barrier layer to alcohol containing fuels" is confusing and indefinite in that it is no longer apparent as to whether the claimed structure is directed to a structure comprising more than one layer or to a structure containing only one layer. That is, said new language to "a sole barrier layer" conflicts with the antecedently-recited "structure comprising at least one layer", which embraces multi-layered structures.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,090,459 (Jadamus et al) in view of U.S. 5,376,712 (Nakajima) further in view of U.S. 6,617,377 (Chacko) as per reasons of record.

### ***Response to Arguments***

5. Applicant's arguments filed July 29, 2008 have been fully considered but they are not persuasive.

Applicants' newly added limitation wherein the layer containing the polyamide/polyolefin blend and carbon nanotubes is described as acting as a "sole barrier layer" to alcohol containing fuel, does not lend patentable distinction to the presently claimed subject matter. The intermediate barrier layer in Jadamus et al is an optional layer, that is, the presence of said layer is not required (column 2, lines 14-17). In fact, patentees' multi-layered structure in example 5 does not contain an additional intermediate barrier layer. The fact that the fuel leakage is not measured for said embodiment is immaterial because given the fact that said inner layer is in direct contact with the fuel, it would follow that said inner layer would function as the barrier layer of the multi-layered structure.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ana L. Woodward whose telephone number is (571) 272-1082. The examiner can normally be reached on Monday-Friday (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Ana L. Woodward/  
Primary Examiner  
Art Unit 1796